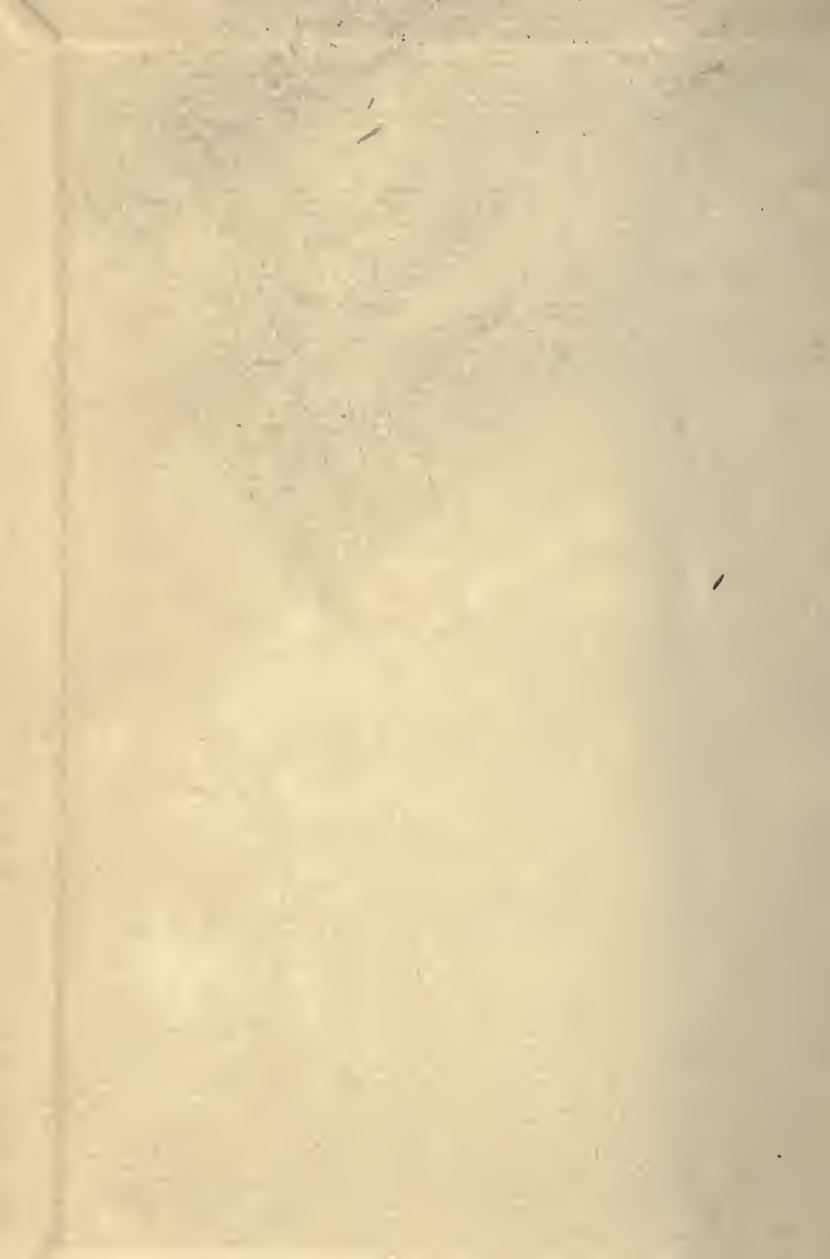


# THE WAR AND LIBERTY

BY THE RT. HON.  
HERBERT SAMUEL, M.P.



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AND AN ADDRESS ON  
RECONSTRUCTION

BY

THE RT. HON.  
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LECTURE NOTES

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BY  
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H. S.



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# THE WAR AND LIBERTY

## I.—CONSTITUTIONAL LIBERTY.

THROUGH the history of every country of Europe runs the effort to win liberty. Sometimes it is the struggle for national liberty, for the freedom of a nation from alien rule ; sometimes it is for political liberty, for the freedom of a people to govern itself through its own representatives ; sometimes it is for personal liberty, for the freedom of the individual to lead his life in his own way. Powerful forces have contended on the other side—the pride of a dominant race, or dynasty, or class, or Church. Subtle theories of politics, persuasively advanced by men of short views or interested motives, have often clouded the issue and maintained resistance. The task has been hard and long. Multitudes of men have shared in

it. The names of some, statesmen and generals, philosophers and poets, the illustrious protagonists of liberty, live in the world's memory ; the undistinguished mass are recorded only by the results they won. Multitudes of men, famous or unknown, in many countries and through many centuries, have given up their ease, spent their labour and their means, often sacrificed their freedom in the gaols or their lives on the battlefield or on the scaffold, for the sake of this cause in which they passionately believed. In the light of the momentous experience through which the world has been passing, how does that cause stand now ? Were the aims of these men right ? Have their sacrifices—and our sacrifices—been worth the making ?

Throughout the struggle for political liberty one plea was always and everywhere advanced on its behalf—that democracies would be pacific ; ready, indeed, to take up arms in self-defence, or, when necessary, in support of liberty elsewhere, but not to make war for the sake of domination or glory. Accustomed to

value liberty at home, the very principle that underlay their own national life would lead them to respect the liberties of others. Autocracies, it was urged, could not be so trusted. They had always been the home of the military spirit. Denying liberty to their own subjects, they would care even less for the liberty of their neighbours. Always in danger from discontent at home, their best safeguard lay in diverting the energies of their subjects to military enterprises abroad, and dazzling their minds by victories. If mankind wished to live in peace, let them, it was said, appoint and control their own governors, and not abandon power to the hands of dynasts. Of the truth of this contention the war, which has been devastating Europe for so long, has furnished a final and most tragic proof.

There is no need to travel again the well-worn path which leads to the conclusion that the war had its origin in the empires of the centre of Europe and not in the democracies of the West. For those who were members of the British

Cabinet during the years that preceded the war and at the time of its outbreak, it is not a matter of deduction or of belief, but of knowledge, that there was no plot among the neighbours of Germany to injure her, that there was no "policy of encirclement" designed to check her commercial expansion and to precede a military attack. They *know* that the Government of Great Britain had no other wish than to live at peace with all the world, and no other aim during the fateful days before the outbreak of war than to attempt any and every means to ward off the disaster. And they know that both France and Russia earnestly desired peace also; their readiness to agree to any proposal that offered a prospect of preserving peace gave evidence of it; their painful uncertainty, when war was imminent, as to the course the United Kingdom would take, was in itself enough to disprove the theory of a prearranged attack.

If the German plan had been successful, there is little room to doubt that Germany would have frankly accepted responsibility



for the war, and even claimed credit for the vigour and efficiency of her action. If Belgium had been acquiescent and Great Britain neutral ; if the French armies had been swiftly overthrown, Paris occupied and France crushed ; if blow after blow had driven back the forces of Russia ; if a quick campaign had brought a triumphant peace, with large indemnities from the defeated Powers, great territorial gains on the eastern frontier and an assured domination in the Balkans and Turkey—we may be sure that the world would have heard little of a circle of jealous rivals combining to crush a peace-loving Germany and Austria ; the truth would have been proudly proclaimed ; this war would have been acknowledged as of a piece with the aggressive wars by which Frederick the Great and Bismarck had established the position of Prussia in Europe ; militarism, it would have been claimed, had again been justified by its success.

The war began, and for a long time continued, with every sign in Germany of popular support. It was a people's war,

it is true ; but the soul of the people had been infected by its rulers.

In a free State the nation makes its own institutions according to its genius, and the institutions help in their turn to mould the nation. The people and its institutions are products of one another. Where the State is not free, the institutions mould the nation, but it is the governors who make the institutions. In a country where one man rules, his ideas determine the mould which is to leave its impress on the character of the people. In Germany the schools and the universities were controlled by the Government. The official classes had a widespread influence. The desire for honorific titles and decorations from the hands of the State was general among the middle classes. By a thousand means the Government, could direct the current of thought among the people. And the Government took its tone from the Emperor. Hence the character of the person who sat upon the throne was universally, and rightly, regarded as a matter of the greatest public

importance. If William II. had been a man of pacific disposition, of sober, restrained judgment, careful indeed of the defence of his country and eager for its development, but inspired by a spirit of goodwill to other States and contemptuous of military glory for its own sake, he would have surrounded himself with men of similar principles ; the work of government would have been conducted in that atmosphere ; the fountains of honour would have irrigated that soil ; professors would have been appointed to the universities who would have directed the mind of the younger generation to those ends ; the official classes, and the Press under official influence, would have disseminated those ideas ; the tone of Germany would have been different and Europe might have been at rest. But as things were, all these agencies worked in the opposite direction.

Full use was made of the propagandist material that lay ready to hand. Fresh in the minds of the German people was the recollection of three wars, against Denmark,

against Austria, and against France, all of them planned in Germany, all of them short and completely successful, and each resulting in added greatness to the German State. All around them, and in every man's home, they saw evidences of the remarkable industrial development and growth in material prosperity which had followed the Bismarckian era. Was it surprising that they readily listened to the doctrine that aggressiveness pays? At the same time the men who had been placed in the chairs of intellectual authority were constantly telling them that the world progresses best if the most vigorous are dominant; that success in war is the test of vigour; that aggressiveness is not only profitable but is necessary in the best interest of mankind; that, in the long view, militarism is justified, and indeed demanded, by a sound system of morals. This hasty deduction from the principle of evolution in nature, continually disseminated, came to be widely believed. "The phrases men are accustomed to repeat incessantly, end," as Goethe said,

“ by becoming convictions and ossify the organs of intelligence.”

So throughout the nation the “ will to war ” was fostered. All the influences that radiated from the centre combined to render a docile people what it became, the willing instrument of terrific war. He who sows the seed is responsible for the crop. The Kaiser is answerable not only for the decisions at the moment of crisis, the rejection in turn of each of the expedients suggested by the Entente Powers for averting a conflict—mediation, a conference, arbitration ; he is answerable not only for the actual declaration of war itself ; his is the even heavier responsibility of having cultivated and nurtured, during the quarter of a century that he had been on the throne, an arrogant pride, and a spirit of aggression throughout his people.

Yet had his policy been different, he would have been false to the tradition of his House. To make their nation ready, both in opinion and in military training, both in mind and body, to wage war



relentlessly, when the right moment came, for the glory of the prince and the profit of the State, was the historic part of the Hohenzollerns. In Austria-Hungary the Hapsburgs had followed a parallel line, but with feebler steps and less successful results. "Hapsburg policy," says Mr. Wickham Steed, "is exalted opportunism in the pursuit of an unchanging dynastic idea." In his later years the Emperor Francis Joseph had given full rein to the ambitious statesmen who promoted a reckless forward policy in the Balkans. His age made him incompetent, even if he had been willing, to maintain an atmosphere favourable to peace, and the political institutions he had succeeded in preserving gave no scope to democracy to exercise control.

The Dynasts made the war. Their peoples were infected by their spirit and endorsed it, or were powerless to intervene and acquiesced. Britain, a monarchy but a true democracy, and republican France, drawn in from the outset, had no hand in bringing about the catastrophe. Italy,

the third great democracy of western Europe, cut herself free from her allies when she found they were bent on aggression. The intervention of the United States, a nation pacific through and through, sets the seal on the judgment. It was the countries where constitutional liberty was absent that brought this calamity upon mankind.

Analyse the causes of the war and trace them back to their historic origins, and it will be found that its ultimate authors are the sovereigns and the thinkers, the statesmen and clerics, who have upheld the principle of the Divine Right of Kings. The men who have supported the doctrine that a single individual, chosen by the accident of birth, has an indefeasible title to control the policy and direct the energies of scores of millions of his fellow men, with the consequence that the fortunes of whole nations may be determined by his disposition, be swayed by his health or sickness, and profoundly affected by his death—the men who have helped this irrational doctrine to survive from

the ancient world into the Middle Ages, and from the Middle Ages to our own time ; who stopped the tide of liberty at the western frontiers of the central Empires and dammed its flow wherever its springs burst out within them—they, in the last resort, are the authors of the war.

Had Russia remained an autocracy, Europe might in the future have been subject to a similar danger from that side. Although Russia was guiltless of aggression now, there could have been no security that an ambitious Tsar, backed by a more efficient organisation and faced by a weakened Germany, might not have seized some favourable opportunity to extend his frontiers and aggrandise his throne. The Revolution has not only opened a broad vista of ultimate progress for the peoples of Russia ; it is a happy augury also for their neighbours. For this lesson is clear to read in the vivid light of the conflagration still devastating Europe, that wherever liberty is lacking militarism may grow and spread and dominate, and that a free



constitution for each nation is the best security for the peace of the rest.

## II.—NATIONAL LIBERTY.

THE long process of establishing national liberty, like that of establishing constitutional liberty, had not been completed in Europe before the war. The Middle Ages had left to modern times a chaos of states and peoples. The break-up of the Roman Empire ; the migration of Teutonic and Slavonic tribes ; the effort, and the failure, of Charlemagne and his successors to create a new Holy Roman Empire ; the flow and the ebb of the Moorish and Turkish invasions ; the dynastic arrangements that sometimes arbitrarily united heterogeneous states and sometimes broke up states that were homogeneous—all this had left behind it a confusion of races and governments. Very gradually, with much difficulty and many relapses, the confusion had to a great extent been brought into order. Alien sovereignties

had been thrown off. States had been consolidated on national lines.

But, unhappily for mankind, the process had not been finished. The mediæval confusion had not everywhere been brought into order. In particular the Austro-Hungarian Empire was a standing contradiction of the national principle. "The Holy Roman Emperor's successor is the only monarch in Europe who stands at the head, not of a nation, but of a shapeless human conglomeration," says Houston Stewart Chamberlain in his *Foundations of the Nineteenth Century*. Both of the Central Empires, indeed, caring as little for national liberty as for constitutional liberty—and respect for the one usually goes with respect for the other—had succeeded in so placing their frontiers as to include within them an almost continuous ring of alien populations. Poles in the eastern provinces of Prussia, Czechs in Bohemia, Slovaks in Moravia, Poles and Ruthenes in Galicia, Rumanians in Transylvania, Southern Slavs in Bosnia, Herzegovina, Croatia, Slavonia and Dal-

matia, Italians in Dalmatia, Istria and the Trentino, French in Alsace and Lorraine, Walloons in Luxemburg (within the German Zollverein and sphere of influence), Danes in Sleswig—the circle is nearly complete. At every point of the compass the position of their boundaries gave rise to grave international questions.

Where large bodies of civilised men are subject to alien control, unrest is inevitable. People will not be content unless they are governed by men of their own race and language, who share their customs, understand their character and sympathise with their aspirations. Sometimes, no doubt, a state belonging to one nationality may find it to its interest to federate on equal terms with a state of another nationality, as in the case of the Swiss cantons ; sometimes the mingling of different peoples in the same district, as in certain parts of Macedonia, makes some confusion of government inevitable ; but in the main all experience shows that men are most contented and states most stable where

governors and governed are of the same stock. "Amid the constant shiftings of boundaries which have marked the modern history of Europe, the most remarkable fact," Professor Ramsay Muir tells us, "is that boundaries on the national principle, once established, have scarcely ever been infringed and never with permanent success."

As things were, at half a dozen points explosive material was always accumulating, which any spark would detonate. Those severed fragments of peoples were, for the most part, living under German or Magyar rule against their own vehement protests, declared as often and as loudly as the hand of repression permitted. The neighbouring peoples of kindred blood could not remain indifferent. The appeal of race is too strong. The Frenchman in France cannot forget the Frenchman in Lorraine. The Slav of Russia cannot be deaf to the complaints of the Slav in Austria. The Italian or the Rumanian who has won independence cannot desert the Italian or Rumanian who is not yet

redeemed. Unrest among a subject population, repression by the ruling power, sympathy and angry resentment in the neighbouring kindred state, alarm and answering resentment among the dominant people nervous for their ascendancy, sterner repression as the result, and greater unrest again—this is the unhappy circle of events which, constantly recurring wherever national liberty is denied, maintains animosity and predisposes to war. Our bitter experience should teach us this at least, that Europe is not likely to be tranquil until either the frontiers of states coincide, as nearly as may be, with the areas inhabited by homogeneous peoples ; or, if composite states continue, until the several units are federated on equal terms, and each is governed by officers of its own choice according to its own will. When Slav is governed by Slav, Magyar by Magyar, German by German, Frenchman by Frenchman, and, one may add, Finn by Finn, there may still indeed be international unrest, still quarrels perhaps, and even war ; but there will not be the

certainty of unrest, the constant likelihood of quarrels, the never-absent peril of imminent war, as when German holds down Pole and Czech, Frenchman and Italian, when Magyar oppresses Rumanian and Slav, and Russian dominates Finn. Who is so blind that he cannot now see that national liberty throughout Europe is as necessary as constitutional liberty, if the causes of conflict are to be removed and the peoples to be at rest ?

Within the British Empire also the war furnishes new object-lessons of the results of political freedom.

It is often supposed that the grant of full self-government to the Colonies was the voluntary and gracious act of far-seeing statesmen of the Mother-country. This, of course, was by no means the case. Even after the American colonies had won their freedom by the sword, there were many at home who still had not learnt the lesson ; who still failed to grasp that the colonies that were left could be governed in no other way than through their own



representatives and with their own assent. Only after a rebellion in Canada and a long and bitter controversy in the British Parliament was the free Canadian constitution established. The opponents of the policy denounced it as treachery to the Empire. Followed as it was by the application of the same principle in other colonies, they prophesied that it must lead everywhere and inevitably to disruption. Even among its supporters there were many who shared those anticipations ; some without anxiety, thinking separation desirable in itself ; most with regret and foreboding, thinking separation a calamity, but a less calamity than government by force of arms, in which they saw the only alternative.

Three-quarters of a century have gone by. The structure of the Empire has been put to the most violent test. Had it not been firmly built, had there been cracks and weaknesses, it could not have stood the shock. In this time of crisis the Dominions, of their own motion, have rendered the utmost service to the common

cause. Their thinly scattered populations have sent a million men to fight in the bloody battlefields of the war. The event has proved that only those few far-seeing men were right who held that liberty would be compatible with continued unity, that only through the liberty of the parts indeed could the unity of the whole be saved.

Never has history offered a more striking example of the effect of liberty in securing loyalty than in the share taken in these great events by the Union of South Africa. When the Ministry of Sir Henry Campbell-Bannerman granted full self-government to the Transvaal and Orange Free State, barely four years after the ending of the Boer War, there were grave searchings of heart at so bold a venture. It is not forgotten that the Leader of the Opposition of the day denounced it as reckless and dangerous. Perhaps its very daring may have contributed to its success. A free South African Union, made possible by a self-governing Transvaal and Orange Free State, threw itself into the conflict, when it



came, with energy and enthusiasm ; suppressed with its own forces an insurrection which flickered up from the old embers, not quite extinguished ; conquered, under the leadership of Boer generals, after arduous but swift campaigns, the two vast German territories within reach of its own frontiers ; and furnished to the Empire not only new and powerful armies, but fresh sources of moral strength. It is easy to imagine the result if an opposite policy had been pursued ; if liberty had been withheld ; if the Government had rested on the British elements alone ; if the majority of the white population had been kept aloof, held down by the threat of force ; and if, when war came, taxing all the resources of the Mother-country, an angry South Africa, six thousand miles away, had flamed up in widespread rebellion. The event has given new and striking proof of the old truth that in statesmanship the only real caution is to do justice fearlessly.

Among the coloured peoples of the Empire, if there had been misgovernment

and serious discontent there would have been disloyalty, and never could disloyalty have had so attractive an opportunity. The late Viceroy of India, Lord Hardinge, has told us that, for some weeks in the early days of the war, in the whole of that vast territory with its three hundred millions of people "there remained only a handful of British troops." Throughout the length and breadth of the immense Asiatic and African dependencies of the Empire, with the exception of a small rising in Darfur at the extreme confines of the Sudan, there has been unbroken internal peace. The coloured peoples have all been eager to help within the measure of their resources. The fact is in itself a tribute to the British system of government. But many of those who are best able to judge are of opinion that in India the situation would have been far less satisfactory than it has been if Lord Morley's reforms had not come in time to bring many more Indians than ever before into association with the work of government, and if the leaders of Indian thought had not had good grounds

for believing that further developments along the same lines would follow in no distant future.

One part of the Empire alone offers a contrast. In one only has there been a deliberate withholding of support. In one only has there been armed rebellion needing the despatch of troops from England for its suppression. It is not a mere coincidence, it is a plain case of effect following cause, that the only spot where England has suffered serious embarrassment is that in which she has failed to be true to her own principles of Imperial rule, and has persisted in governing a European people against its will.

We see the folly of our ancestors who refused full liberty to the thirteen American colonies, and of those who, later, wished to refuse it to Canada, because those controversies are long ago and we get the distant view. We see the error of those who recently would have denied full self-government to the Boer States because those States are far away, and facts have already given their verdict. But many

cannot see that in Ireland the issue is precisely the same. The problem is at our own doors and of our own day. It is too close to us in place and time for us to perceive clearly its broad outlines.

Because there is nowadays no actual oppression or harsh misgovernment in Ireland, but, on the contrary, much generous and helpful legislation, it is thought that there can be no real problem left. Many among us find it impossible to believe that these people, living and farming and trading within a three hours' journey from our own shores, speaking our own language, sending representatives to our own Parliament, should really feel themselves a distinct nationality. We think it must be a delusion that they should care more for Celtic culture than for English, that they should be more interested in the history of Ireland than in that of England, that they should regard the many disagreements and conflicts between the two islands from the Irish point of view and not from ours. Those who tell us that they do must either, we think, be trying to deceive us from some

motive of their own, or else be describing a frame of mind so obviously foolish that we need not take it into serious account.

Hence it is that though the great majority of the Irish people have proclaimed, by every means at their command, almost continuously for a hundred years, their wish to govern themselves in their own country through their own elected representatives according to their own ideas, they have not yet been allowed to do so. It has been possible to make the question of Irish Home Rule the football of party politics in Great Britain for more than a generation. It has been possible to treat the real and formidable difficulty that arises from the presence in Ireland of a minority of different origin and separate sympathies, not as a problem to be solved by careful statesmanship, but as a weapon to be used on the platform and at the polls. And, as the outcome of it all, the war came upon us with the Irish question still unsolved.

True that, for the first time in a century the elected representatives of the Irish people placed themselves at the outbreak



of war whole-heartedly on the side of the British Government. It is true that, following their lead and on their appeal, large numbers of Irishmen voluntarily enlisted in the armies of the Empire. There can be no question but that this was due to the conviction that the movement for Home Rule was on the point of success. A Home Rule Act stood upon the Statute-book, and even the prospect of liberty was enough to evoke loyalty. But the Act was not yet in operation. The Ulster difficulty had not yet been settled. The war came, and it was not possible to give time and thought to so obstinate a problem. The months went by ; the life-long opponents of Home Rule secured a large share of authority in the Imperial Government ; the Irish people grew suspicious that their hopes might again be frustrated ; the good done by the passage of the Act was undone by doubt as to its enforcement ; as the hope of liberty diminished, the forces of disloyalty grew. At last the world observed the spectacle of a British Government, declaring, and sincerely declaring, that it

was engaged in war for the sake of the freedom of small nationalities, obliged to divert a part of its armies to suppress a rising on behalf of the freedom of the small nationality which was nearest to its own shores and under its own direct control. The sympathy of the American democracy was in some degree alienated ; a hostile Irish vote in Australia largely contributed to the defeat there of compulsory service in the war ; and the German Government, in its diplomatic Notes, was able to point to Ireland, with more plausibility than was palatable, as a case in which high professions did not square with practice, in which England had adopted a policy not so very different from that which in others and elsewhere she so vehemently denounced.

When the Irish question is settled on the basis of local self-government, when the gradual growth of free institutions has been fostered in India and the other dependencies, and, in addition, when the Dominions have an adequate voice in deciding the foreign policy which touches their fortunes equally with our own, then, and only then,



will the principle of national liberty, which is the soul of the British Commonwealth, have fully permeated the whole of its members.

In order to champion that principle when it was assailed, the Empire in this war has made the greatest sacrifices. That its own constitution rests on democratic ideas is a pledge that its weight in the world's affairs will be cast on that side. So long as that is so, its power is a support for freedom wherever its influence extends. The events of these years confirm our right to believe that every measure that helps to promote the unity and to maintain the strength of the British Empire is in itself a service to liberty.

### III.—LIBERTY OF SPEECH AND OF THE PRESS.

THERE can be no such thing, although the phrase is often used, as restriction of freedom of thought. Thought is much too elusive for laws to be able to control

it. A government can no more confine thought than the hand can grasp air. It is the expression of thought, the communication of ideas or of facts, which the State may be able to touch. 'On this, indeed, in time of war, every Government is obliged to set some limit.

No one will question that a State engaged in war is justified in stopping enemy spies from collecting military information within its territories. This has always and everywhere been regarded as a prime duty. To prevent its own subjects publishing the same information stands on the same footing. Unrestricted publication would be not very different in its effects, whatever the intention, from a tolerated espionage. During this war the whole of the United Kingdom has been a base for the Army and the Fleet ; things have been widely known which the enemy would give much to ascertain ; had the information been published in the Press or transmitted by post, however innocent the purpose, the result would have been the same as if German agents had sent it ;

a censorship of the Press and of correspondence was a military necessity, and cannot be gainsaid in the name of liberty. It has grave drawbacks. The people, knowing that some things may not be published, are inclined to think that more are concealed. The channels of communication on which the modern world relies being partly stopped, the ancient channels of rumour come into use again. News passes by word of mouth, distorted, exaggerated, often invented. Sometimes, on the other hand, concealment is only too effective, and dangers may be allowed to grow to formidable dimensions, because the nation is in ignorance of their existence and their extent. Under a censorship, the truth is prevented from being known abroad at the cost of the spread at home of falsehood and alarm, or of a perilous complacency.

Even more serious is the danger that a censorship, once established, may be stretched too far. Governments are tempted, for their own protection, to put legitimate powers to illegitimate uses,

to prevent the publication of matter which may be inconvenient to themselves, although in no serious degree helpful to the enemy. Sometimes, indeed, Ministers may even be inclined to think that the two are identical, and that whatever is detrimental to them must, for that reason, be helpful to the enemy.

With respect to the powers actually conferred on the censorship in this country there has been some misapprehension. It is believed by many that the Defence of the Realm Act requires all newspapers to submit to the Press Bureau all that they propose to print. It is believed also that the law makes it a penal offence to publish anything which the censorship has forbidden. Neither of these beliefs is in accordance with the facts. It has been left to the editors themselves to decide what they should submit. Anxious to avoid giving currency to information which the authorities might consider injurious, and with the fear before them of penalties if they broke the law, many newspapers have in fact submitted for the opinion of

the Press Bureau a large part of the news and articles, directly or indirectly connected with the war, which they proposed to print ; but no newspaper has submitted all of its matter, and many newspapers have submitted none.

Nor has the censorship been vested with an autocratic power of veto. It can advise, and the advice is usually followed. It can forbid, but to disobey its prohibition is not in itself an offence in law. An editor cannot be prosecuted on the charge of having published matter which the Press Bureau had forbidden. He can only be charged with having published matter which, on certain specified grounds, is injurious to the national interest ; and it is, in the last resort, for the courts of law, and not for the censorship, to decide whether or not the matter is of that kind. The Press Bureau must be careful, therefore, that it issues no injunction which could not, if disobeyed, be upheld on its merits in the courts. The Executive can indeed seize the plant of a journal which has given ground for offence. But

here again the seizure can be tested by an action for damages for trespass, and would have to be defended by judicial process. It is an error to suppose that the Government sought, or that Parliament established, a censorship above the law.

The use made of the powers of the Defence of the Realm Act to prevent or to punish the publication of information or the conduct of propaganda, either through the Press or otherwise, has given rise to much discussion.

The boundaries of legitimate control are hard to draw. It is difficult indeed for a Minister, or for a magistrate, to decide in each particular instance what should be stopped and what allowed.

The publication of information of military value to the enemy is the clearest case ; about that there will be no dispute. Few will doubt that the State is entitled also, in time of war, to stop propaganda intended to deter men from joining its armies. When Parliament has authorised enlistment, whether voluntary or compulsory,



it cannot be held that any individual should be free to persuade others not to respond to the appeal of the State, or to resist its demand. That way anarchy lies. And the same reasons that forbid attempts to hinder recruiting, forbid attempts also to hinder the manufacture of munitions, equally essential to the life of a belligerent nation.

But there are many who would have gone much further than this. When the State has engaged in war, how can it tolerate, they asked, speeches and writings that throw doubt on the justice of its cause? How can it allow open opposition to measures that are essential to its success? Those who are against entering the war, or against continuing it for as long as Government or Parliament think necessary, or against the adoption of compulsory military service, should be compelled to keep silence. Their mischievous activities should not be allowed to divide our own people, to discourage our friends and to comfort our enemies. In time of war pacifism is out of place; the country



is fighting for its life ; and only weakness on the part of the Government will tolerate open dissension in the ranks of the nation.

These counsels were not followed. No general policy has been adopted of suppressing opposition to the war or to the enactment of conscription. The small pacifist group has been able to preach its creed from the first days of the war to the present time. If the arguments that have just been stated make a powerful appeal to many, there are arguments on the other side more powerful still.

Who is to judge whether or not a war is justifiable and necessary ? It cannot be assumed that every war is so. History furnishes clear instances to the contrary. There may be cases in which the most patriotic service a good citizen could render in time of war would be to denounce those who were responsible for the policy, and to rouse public opinion to demand a speedy peace. But if the principle were accepted that any opposition, when once the State had gone to war, was to be regarded as treasonable and was to be

put down with a firm hand, there could be no means of informing the nation of the facts, of retrieving the blunder and re-tracing the false step. If opposition to a war policy may sometimes be right, who, then, unless the nation itself, is to say when it is right? From the men actually in power an impartial judgment cannot be expected. No Government would ever admit that a war to which it had committed its people was unjust or avoidable, and that opposition to it might be reasonable and patriotic. Indeed, the weaker the moral position of the Government of the day the stronger the temptation to put to drastic use a right to impose silence. Once allow that speeches and writings against a war policy can properly be suppressed by force of law in any case, and they would be suppressed in every case. The evidence is overwhelming that the British nation, as a whole, endorsed the action of its Governments in 1914 and the subsequent years; but if that fact had been taken to warrant police interference with the dissentient minority, a new rule would have been

made ; the right of a government to decide when, and by what means, its own policy may be opposed would have been asserted and established ; a pernicious precedent would have been set ; and a later generation might have had cause to deplore that in our day freedom of speech had been too lightly valued and too easily renounced.

Again, the attempt at suppression, which cannot in any case be complete, may in the long run stimulate, rather than stifle, the movement at which it is aimed. The seizure of newspapers and leaflets, the prosecution of speakers and writers, of publishers and printers, the use of force to prevent meetings being held, the imprisonment of men of non-criminal type, all these give rise to scandal, which may do far more mischief than a free propaganda ; martyrdom is the most effective of advertisements. And as a consequence of the attacks of the Executive the agitation would change its character ; instead of being directed against the war, when an answer is easy, it is directed against the suppression of free speech, when a convincing

answer is difficult, if not impossible. The world is led to think that the case for the national policy cannot after all be so strong, or it would not be necessary to silence its opponents. The oppressed minority are able to make the claim that their strength would be found to be great if only it could be revealed. The nation itself, its allies and neutrals, cannot tell whether the movement is really significant or not. Free publicity, which would disclose its impotence, being denied, its proportions seem formidable in the dark.

Lastly, open propaganda provokes reply. Suppression seems to make reply unnecessary. The national case is not constantly stated and vigorously defended because no voices are heard to dispute it. It is allowed to go by default. Meanwhile, underground, the subversion of opinion continues ; the State, however active its police, can never discover every channel of propaganda ; at last when some opportunity, that cannot be denied, occurs, such as a Parliamentary election, a serious division of opinion is suddenly revealed,

most injurious to the national cause. When the body has a disease, overt symptoms are a means of safety. If they appear, they can be diagnosed and a remedy applied. If the symptoms are suppressed, the disease may develop undetected till it is too late to effect a cure.

In the light of these principles, the boundaries of State control over liberty of speech and of the Press, within the United Kingdom, were fixed. The advice of those who would have put down all political movements which could be regarded as unpatriotic was rejected. Prohibited were the communication of military information useful to the enemy, propaganda against voluntary recruiting, attempts to induce men liable to compulsory service in the Army to disobey the law, attempts to foment strikes or disaffection among the workmen in the munition factories or the shipyards. Not prohibited was the expression of the view that the war could have been avoided by better statesmanship, or that it should be ended straightway by negotiation, or that conscription ought not



to be adopted, or having been adopted, ought to be repealed.\*

With regard to public meetings another consideration enters—that of order. It is not only a question whether the views to be expressed ought to be tolerated; it is also a question whether the occasion of expressing them is proper. The right of public meeting has never been regarded as unconditional. “No one pretends,” says Mill in his *Liberty*, “that actions should be as free as opinions. On the contrary, even opinions lose their immunity, when the circumstances in which they are expressed are such as to constitute their expression a positive instigation to some mischievous act.” So staunch a defender of public liberties as Sir Henry Campbell-Bannerman, when the breaking-up of meetings during the Boer War was debated in Parliament, clearly recognised the existence of limitations.† But the Executive

\* See the Debate in the House of Commons on June 1st, 1916, and answers to questions on January 17th and May 3rd, 1916, when these lines of policy were stated on behalf of the Government.

† See Parliamentary Debates, March 15th, 1900.

should be very careful not to go beyond the plain needs of the case. Where there is doubt, the decision should incline to the side of liberty, even if disorder is risked.

On the Easter Sunday of 1916 a group of small, but active, organisations proposed to hold a demonstration in Trafalgar Square to advocate an immediate peace. In view of the temper of the people of London, a meeting for that purpose in that place would undoubtedly have led to a serious riot. It was a clear case. The Home Secretary prohibited the meeting under the powers of the Defence of the Realm Act ; the necessity for the prohibition was recognised ; the promoters of the meeting accepted it, not without relief ; not a voice was raised in protest.

In November of the same year a conference with a similar object was arranged to be held at Cardiff. There was again risk of disorder, but not so grave in this case as, in the opinion of the Government, to justify the suppression of the meeting. It took place ; the local police did their best to protect it ; the conference nevertheless



was broken up, but no injury was done to life or limb. The promoters adjourned the meeting to Merthyr Tydfil ; threats of renewed disturbance were made, but the Government again refused to intervene ; the second conference was held without interruption, and attracted in consequence little public attention. The right of free speech was upheld.

The case of propaganda carried on in neutral countries, through the agency of emissaries sent for the purpose or of publications transmitted by post, raises a question of great difficulty. British subjects obviously could not be allowed to go abroad in time of war if it were in order to take service in the army of another State against their own. Nor could they be allowed to go in order to persuade another State to use its army against their own. On similar grounds it was held to be legitimate to prevent certain British subjects from travelling to the United States when there was reason to believe that their purpose was to influence American opinion against British policy, with the

possible result that its sympathies would be alienated, and America *pro tanto* deterred from throwing her moral weight, or her military power, into the scale of the Allies. The rule as to persons was applied in some instances to the dispatch of publications. Some other publications were prevented from being sent abroad on the ground that they would furnish useful material for enemy propaganda.

These, then, are the main lines which have been followed during the war with respect to liberty of speech and of the Press, until the end, at least, of the year 1916. Of the administrative measures taken after that date, I have no sufficient information to enable me to speak. Sometimes, no doubt, both before and since, the proper boundary has been overstepped. It cannot be precise ; some error is unavoidable. There may have been instances in which it would appear, on subsequent review, that interference had been excessive. Experience points to the conclusion that this is a sphere in which, except where purely military or naval information is in

question, the civil departments of the State should always have the last word, and not the military ; for the military mind is rather too prone to see only the direct advantage of repression, without allowing sufficient weight to the indirect, impalpable harm of restricting freedom.

But in spite of particular errors, liberty in the main has been preserved ; and the proof of it is seen in the incessant criticism, often bitter and unrestrained, of which each War Government in turn has been made the target. The school which regards vigorous action as the same as wisdom, and thinks that tolerance must always be weakness, has not been allowed the upper hand. There has been no revival of the measures adopted during the Napoleonic Wars, when restrictions on these liberties were constantly imposed and violently enforced. With some exceptions, the opposite policy, pursued during the Crimean and South African Wars, has been continued and upheld, with the approval of Parliament and to the clear advantage of the State.

## IV.—PERSONAL LIBERTY.

THE greatest sacrifice of liberty which the war has imposed on the British people has been, of course, the establishment of conscription. There can be no more open invasion of personal freedom. To force men to fight, to forfeit their own lives, to kill other men, is a far graver denial of liberty than to force men to do work they do not wish to do, or to accept wages they are unwilling to take, or in any other way to subordinate their own will to that of others. Whatever may be the physical advantages of military training, and the moral advantages of discipline—though a nation may be weakened by too much discipline as well as by too little—those who realise the high ultimate value to the world of the fullest measure of individual freedom cannot but regard it as a lamentable thing that the only country in Europe which had been able to dispense with compulsory military service, should now have been obliged to accept it.

It is part of the price of being neighbour to militarist States. When the formidable character of this struggle became clear, and when it was realised that even the millions of men who had volunteered for the Army were not enough to win victory, Parliament, reluctantly, but by large majorities, passed the Acts enforcing enlistment, and the great body of the people accepted them. It is one of the virtues of British liberty that it knows when to limit itself. If it did not, it could not have survived.

There can be no doubt that, if the State has the right of coercion in any matter, it is entitled, when the clear necessity arises, to require its members to undertake the duty of the soldier ; it is not obliged merely to acquiesce if a part of them seeks to escape that duty and to throw it on the rest. "Anyone," to quote Mill's *Liberty* again, "can rightfully be compelled . . . to bear his fair share in the common defence." It is urged, indeed, in many quarters, that the opponents of compulsion were converted too late ; that, in presence of the German danger, the sacrifice ought

to have been made years before ; and that events have proved that all the great political parties were wrong in having refused—as they all did refuse—to inscribe general military service upon their programmes, and to carry it into effect before the war. Some even take it for granted that, if this had been done, peace would have been maintained or, if war had come nevertheless, a vast British Army, organised in advance and ready to take the field by the side of its Allies, would have ensured a complete victory after a short campaign. Foresight and preparation, it is said, were lacking ; had they been forthcoming, everything would have been different. How far is this true ?

Our preparations for defence had been greatly developed in the ten years before the war. The Navy had been increased with unprecedented speed. The estimates had been raised from £36,000,000 to £51,000,000, or 40 per cent., and in efficiency and power the increase had been even greater. It was believed that, if a war came, the force so provided would be



sufficient to hold the seas against any hostile fleet, and to prevent the possibility of invasion ; and so, as yet, it has proved. A highly efficient expeditionary army of 160,000 men, equipped in every detail, had been prepared, in addition to other regular forces ; when the test came, the arrangements for its mobilisation and transport were found to work without a hitch. The imperfectly organised volunteers had been converted into a Territorial Army of 260,000 men ; Lord Derby, speaking as Secretary of State for War,\* has expressed the opinion, in which he said, Lord French concurred, that " the Territorial Force saved the situation in 1914." It was believed that, if ever real peril came upon this nation, its manhood would spring to arms in its defence, and that great forces could be recruited on the voluntary principle. This expectation, too, was justified by the event.

When the ordeal came there were at once mobilised over half a million men. There was ready to send, and there was sent

\* January 26th, 1917.



within a few days, the expeditionary force of 160,000 men, which grew to hundreds of thousands in a few months, and to many more than a million before compulsion was introduced. For home defence, behind the shield of the Navy, forces were available which proved adequate, and which, after a short interval, were very ample.

The assertion, often confidently made, that if Britain had adopted conscription five, ten or twenty years ago, Germany would have kept the peace, is open to much question. It is no doubt possible that the fear of an additional enemy of formidable strength would have changed her policy. But it is also possible, and in view of the spirit that is found to have animated her rulers it may be regarded as more likely, that she would only have struck the sooner. Seeing in the adoption of conscription in this country a menace to the success of her plans, she might not have abandoned, she might merely have expedited, her contemplated action.

Or, maybe, she would have altered the direction of her diplomacy. The United

Kingdom, possessing not only a supreme fleet and the largest financial resources of any European State, but also a considerable Army, organised for large and rapid expansion, would have been an object of disquiet to others besides Germany. "He who makes many afraid of him has himself many to fear." Britain might have found in Europe a less widespread goodwill. In a different atmosphere there might have been different international groupings, with other, and perhaps less favourable, results.

At home, in view of the traditions of the people, conscription could have been established, if at all, only in the face of bitter opposition. A vehement anti-militarist propaganda would have been maintained; the war, if it came, would have been denounced as the natural consequence of the policy that had been adopted; and, instead of a nation united and enthusiastic, Britain would have entered the great conflict with a larger Army indeed, but with divided counsels, and, as a consequence, in a less valiant spirit.

But all this belongs to the region of what a satirist has called "Hypothetics—the science of that which might have happened but did not." This only may be considered tolerably certain, that the theory that one important factor in the sequence of events could have been altered and everything else have remained the same, must be wrong. To suppose that, if conscription had been established in the United Kingdom, the groups of Powers would have been arranged as they were, that the war would have come when it did, that the German armies would have been distributed as they were found to be, and that the only thing different would have been the presence of a great British army in Belgium which would have stopped the first German rush and have secured an early victory—this at least is not a supposition which any thoughtful man can accept.

Instead of the possibilities of the past, it would be more useful to consider, with regard to compulsory military service, the requirements of the future. But for this

the materials are still lacking. Writing at a moment when peace is not yet in sight, and when no man can tell what arrangements it may bring for limiting armaments or preventing war, it would be premature to express a view. It is to be expected, indeed, that after the war, there will be found in this country, on the one hand, a widespread desire to be rid of compulsion and to get back to freedom ; on the other hand a determination, not less widespread, to adopt whatever system of defence is really needed for security. The means of reconciling these two tendencies, or, if they cannot be reconciled, the choice between them, must depend upon the conditions of a time which has not yet come.

The presence of a large German and Austro-Hungarian population in the United Kingdom involved further restrictions on personal liberty. It was found necessary to intern a great number, to repatriate others, to require many to remove from coastal districts in which they lived. It was found necessary, also, to

intern a comparatively small number of British subjects, naturalised or native-born, whose disloyalty made them dangerous to the State.

The Defence of the Realm Act provided that "His Majesty in Council has power, during the continuance of the present war, to issue regulations securing the public safety and defence of the realm." Under this authority a regulation was made, No. 14 B, empowering the Home Secretary to order the internment of any person "of hostile origin or associations" where he considered it expedient to do so for the sake of the public safety or the defence of the realm. Each case was to be considered by an Advisory Committee, which, when constituted, consisted of two Judges of the High Court and four Members of Parliament. The charge against the suspected person was, at first, conveyed to him by the Committee, but the rule was soon established that it was to be furnished to him by the Home Office in writing. He could appear before the Committee, could make his defence and call witnesses to



support it. The final decision rested with the Secretary of State, but in practice the recommendations of the Committee were accepted.

This procedure was keenly challenged, in Parliament, in the Press and in the Courts. It was challenged on two grounds. It was urged, first, that no British subject ought to be deprived of his liberty, except by order of a judicial authority after a fair trial in a Court of Law. It was urged, secondly, that if in exceptional circumstances the power to imprison without trial was to be conferred upon the Executive, this ought to be done by the express terms of an Act of Parliament, and not by an administrative regulation based upon general words in a statute which had been passed with no such application in view. The names of Magna Carta, the Habeas Corpus Act, the Bill of Rights were invoked. The action of the Government was denounced as a subversion of the fundamental rights of the British subject.

The persons interned under Regulation

14 B were all persons who, in the opinion both of the Secretary of State and of the Advisory Committee, could not safely be left at large. They were known to be disloyal, but they had done no act which could be made the subject of a charge in a Court of Law. If such a man were of German nationality, he could be sent into internment under the Common Law powers possessed by the Executive in time of war. But if he had been naturalised in the United Kingdom, however little he might have changed his sentiments, or if he were a British-born subject, however notorious might be his willingness to serve German interests in any opportunity that might arise, such a man, but for this regulation, could not be touched. He must be left free to carry on any machinations in which he might care to engage. The Government, in such cases, would have had no power to forestall espionage or to prevent outrage. It would have been limited to the detection, if detection were possible, of the authors of damage after they had done their work, and to securing their



punishment in the rare cases in which their offence could be proved. In view of the methods adopted by Germany in the conduct of war, in view of the series of outrages committed, at munition works and elsewhere, in the United States and Canada, in view of the known attempts to maintain in this country a system of espionage by German agents of all nationalities, it would have been most dangerous to limit the Executive, where the suspects were British subjects, to only two courses, either to prove a definite charge by legal evidence or else to leave at liberty. It was essential to allow a third alternative : to detain, after full and impartial examination, for security's sake.

On many occasions of national danger—eleven times in Great Britain and eight times in Ireland—Parliament has given the Executive unrestricted power of imprisonment without trial by suspending the Habeas Corpus Act. This is a far more drastic measure than the one adopted. It would not have been limited in its application to persons of hostile origin or

associations, but would have brought within its net every British subject without distinction. It would not have included the requirement of an impartial review of each case by an authoritative committee.

A power such as that which was conferred was indispensable. It would have been better perhaps if it had been conferred by the explicit terms of a statute. Whether the general words of the Defence of the Realm Act did in fact authorise a regulation so wide in its scope as No. 14 B was a point of law to be settled by the Courts. And it was so settled. Test cases were tried in the High Court, in the Court of Appeal, and in the House of Lords. Fifteen Judges expressed their opinion, and fourteen found in favour of the validity of the regulation. The judiciary itself has upheld a measure attacked in the name of the prerogative of the Law.

A drastic code of regulations has been enforced to prevent trading with the enemy. There have been innumerable Executive

acts, overriding liberty in a score of ways: taking possession of land, buildings, plant, commodities, securities; forbidding the manufacture of this and requiring the manufacture of that; regulating investments, restricting imports, fixing prices, limiting consumption. In normal times they would be intolerable. But they are no more a precedent for normal times than would be the rules imposed by a military governor upon the inhabitants of a besieged town. Experience may indeed lead to the retention of some small portion of these regulations. Before the war, restrictions on the conditions of sale of liquor, on the hours of opening shops, on the immigration of aliens, formed part of our ordinary law, and Parliament may think well, by fresh legislation, to continue some part of the new restrictions that come under these heads, and possibly some others. But when the war ends the emergency laws end with it. The Defence of the Realm Acts, with all their prolific offspring of Orders in Council and Regulations, will disappear into the limbo of forgotten

things, to the profound relief of a long-suffering nation.

#### V.—INDUSTRIAL LIBERTY.

THE war has been fought in the workshop as well as on the battlefield and on the sea. The question soon arose whether the liberties to which Labour was accustomed could be maintained unimpaired in the war industries. Could the State allow the millions of workpeople engaged in the production of munitions, indispensable for the armies and the fleet, to stop work at any time on account of grievances, instead of using other means of remedy? Should individuals be free, as in peace time, to transfer their labour as their personal interest might dictate, to leave work essential to the war for work that was non-essential, to absent themselves from their daily employment without good cause? Should employers, keenly competing for labour, be allowed to tempt workpeople from each other's establishments, regardless of the disorganisation that might ensue?

It was held that there must be some measure of control. Without it the vast increase of output that was to be secured might prove impossible of attainment ; the cost of munitions, which the nation must pay, whatever its rate, might rise continuously and without limit ; the flow might be subject to sudden and disastrous fluctuations ; and the armies in the field might lack the supplies essential to achieve success. It seemed that liberties vital in times of peace might be fatal in times of war. Restrictions were imposed. Parliament enacted a complete scheme of regulations, penalising strikes, absenteeism, the change of employment without special reason. It was a scheme so stringent, so unprecedented, interfering with so many long-established rights and customs, that to avoid friction in its working was difficult indeed. Only incessant watchfulness in its administration, the constant exercise of tact and sympathy in dealing with the workpeople concerned, restraint in the use of the compulsory powers, and the utmost expedition in the settlement of

grievances, could avert resentment and even revolt. Those qualities have not always been present. The lack of them has gone far, from time to time, to defeat the objects in view. Practical experience of this kind of State control over Labour has brought into clearer relief than ever before the value of liberty. What men have never appears of such value as what they desire. Industrial freedom never seemed so precious as when the Munitions Acts restricted it. If the abnormal conditions of the hour have made these restrictions necessary, with the return to normal conditions they must certainly disappear.

State control in the war industries has been applied in another direction besides those which have so far been mentioned. Of equal, or even greater importance, has been the suspension, by Act of Parliament, of all trade union and workshop practices that limited output and determined the kind of labour to be employed.

The working-classes are always exposed to the danger of unemployment; to a continuous pressure to exert more and



more effort for the same pay ; to the tendency to use improvements in the methods of production to raise profits or to lower prices, and not to increase wages. Their unions had to protect them as best they might. They had set themselves, in many industries with success, to restrict the entry of new workers into the trade, to prevent the employment of women, unskilled labourers and boys on work which they were able to do, sometimes to limit the output of each worker or each machine. In a score of ways the processes of industry were controlled and slackened. Under the stress of war, these limitations had to go. It was essential to victory that, over a wide section of the industrial sphere, production should be vastly increased ; and this although great numbers of workpeople had been withdrawn for the armies. A larger output had to be obtained from fewer workers. Restrictions became impossible. With the assent of the trade unions, and as a temporary measure, laws were passed requiring, in all the thousands of establishments controlled by the

Ministry of Munitions, that all rules, practices or customs, which tended to restrict production or employment, should be suspended ; any person who tried to induce another to maintain them was made liable to heavy penalties.

The effect was remarkable. Skilled male labour was economised ; it was supplemented by large additions of female labour and unskilled men. Limitations on the use of machinery were swept away. The individual worker was encouraged to reach his maximum output. Production expanded to dimensions previously thought unattainable. It was discovered that the manufacturing power of the country was far greater than had ever been suspected. New sources of national wealth were suddenly revealed.

When peace is restored, are these sources to be stopped and the flow reduced to what it was before ?

It is to the clear interest of the working classes that production should be kept at the highest point that is consistent with their own health and well-being. If the

country, as a whole, is poor, the mass of its people cannot be prosperous. To transfer wealth from the employing class to the employed is no substitute. A juster distribution may be neutralised by a lesser production. "Where production is limited," says Anatole France, "an equal division means a participation, not in wealth, but in misery."

At the time of the Industrial Revolution a century ago, the hand-workers' interests were gravely affected. They bitterly opposed the introduction of machinery. Lawless bands went from place to place, breaking into the new factories and smashing the machines. It is easy to see now that this was not the policy that would best serve the permanent interest of the workers. Even if they could have been successful in what they sought to do; if other countries had followed their example; if the Industrial Revolution had been stopped, and the age of machinery had never come—no doubt the workers would have gained some advantages and escaped many miseries; they would not have had to

pass through the barbarous conditions of the early days of the factory system ; they would still have lived the simpler, easier life of former centuries ; but in many particulars they would have lost. The artisan would have foregone the better clothing, the better food, the opportunities for education, the recreations, which are now at his command. Articles, now in daily use, would have been far beyond his reach. His home would have been as poor as it was a hundred years ago. There would have been fewer openings for his children. It is clear that the introduction of machinery has meant, in the long run, not less employment but more, not a lower, but a higher standard of comfort. So also, in our day, it is not to the advantage of the workers as a whole to fetter the productiveness of industry, for from that come their own opportunity of livelihood and their own share of the wealth produced.

The interest of the nation is the same. In the clash of world forces it is mass that tells. The power of a State to uphold the

ideas for which it stands is conditioned by the size of its population. Their number depends upon the plentifulness of employment, and this in turn depends upon the scale of production for home and foreign trade. A restricted output per man employed means less trade; it means a smaller, a poorer, and therefore a weaker nation.

And now, more than at any time, it is essential to the welfare of the country to increase production. Staggering under the burden of the colossal debt which will be the heritage from this war, it is only from a greater output of wealth that it can draw strength to carry the load.

But there were reasons for these trade union restrictions. They were the result of a bitter experience, the outcome of a long struggle, the weapons used—for lack of better—to win a protection it was essential to secure.

Because no law compels him, the workman is not therefore free. There is economic compulsion as well as legal compulsion. When the slave in the

Southern States of America was liberated, in the first flush of freedom he threw down his hoe ; but he soon found that hunger was a master even more peremptory than the slave laws. The British workman who toiled for long hours for a low wage, exhausting his strength in his youth, did not do it because any Act of Parliament obliged him. Nor did he do it because it was his own wish. He did it because of the fear of unemployment in the background and of all that unemployment meant. The freedom of contract, on which he was told to rely, was a mockery when one party had no real alternative to accepting whatever contract was offered.

So there came into being a code, framed to protect the real liberty of the worker. It was a double code, partly of statute law, partly of trade union regulation. Incomplete and inadequate as it was, this code rescued the worker from many of the worst evils that afflicted him. It helped to make employment more regular, wages more adequate, hours more reasonable, the conditions of industrial life more



healthy. It was avowedly a restrictive code. It fettered the liberty of employers in engaging men on such terms as they chose, to work on such processes as they chose, under such conditions as they chose. It fettered the liberty of workpeople in accepting such terms of employment as otherwise—in their competition with one another—they would have been willing to accept. It fettered freedom indeed—but in order to enlarge freedom. Liberate the workman from industrial laws and trade union restrictions and you would find him less free than before. If in the name of liberty these restrictions can be denounced, in the name of liberty also they can be defended; they help to free the worker from the economic compulsion which presses him helplessly into the grip of the vast whirling mechanism of our industrial system.

True that it is to the obvious interest of employers as a body that their workpeople should be well fed, well clothed, well housed, not over-strained, regularly employed. The countries which approximate

to those conditions outstrip, in the world's competition, the countries where the workers are poor, exhausted, and wretched ; the employers in the one are far more prosperous as a class than the employers in the other. But the immediate interest of the individual employer may not be the same. If he can substitute profitably an automatic machine, watched by an unskilled worker, for half-a-dozen highly-trained artisans, it is a matter of indifference to him, from the purely economic point of view, what becomes of the men displaced. If he can secure more and more labour from the workman, even at the cost of earlier exhaustion, it is to his advantage to do so, so long as a supply of other workmen will be ready at hand. If the improvement of processes enables a larger output to be obtained at the same cost, it is to his immediate interest that the benefit should be reaped in the form of higher profits for himself, or of lower prices, bringing a larger trade, rather than in increased wages for the workers. In the long run he gains by every rise in

the standard of life of his employees ; in the short run he may lose ; the pressure of competition obliges him often to consider what is profitable at the moment. To take the long view is to the ultimate interest of the employing class ; to take the short view may be to the immediate interest of the individual employer.

The best employers, indeed, may welcome the restrictions. They compel their less far-sighted or less benevolent competitors to conform to the conditions which the good employers are anxious to set up. A shopkeeper wishing to close early in order to allow his assistants longer leisure, will vote for the statutory Early Closing Order which is the only weapon by which his neighbours can be brought into line and prevented from taking advantage of his action to capture his trade.

In a variety of cases restrictions may liberate. The coercion of a small number by law or regulation may be the best means, and often the only means, of freeing a large number from economic coercion. The factory inspector or the

trade union official, like the policeman, by restricting the liberty of some, safeguards the liberty of the rest.

It has long ago been admitted that the worker cannot be left to the mercy of a policy of *laissez faire*. Measures for his protection are recognised on all hands to be essential. That part which had been established by the great code of industrial law, which is one of the finest achievements of the statesmanship of the last hundred years, remains unimpaired. The Factory Acts, Mines Regulation Acts, Shops Regulation Acts, Merchant Shipping Acts, Trade Board Acts, Unemployment Insurance Acts—shortening hours, fixing minimum wages, securing some measure of health and safety, providing some help in time of unemployment in certain trades—these stand unaltered. But the war has swept away, over a large section of the field of industry, the other part; the part established by trade union regulation and the custom of the workshop. If this has been a relief to production, it also involves danger to the producer. If the relief is to be permanent,

an alternative protection against the danger must be devised. Definite pledges were given by the employers, by the Government, and by Parliament itself in the terms of the statutes it passed, that the change should be only temporary, and that, when the war was over, the old conditions should be restored. But even if these pledges had not been given, it is to the clear interest, not only of the working classes, but also of the employing classes, and of the nation as a whole, that the worker should not be left to such protection only as industrial laws had hitherto been able to afford.

It is unemployment which is the great bane of the workman's life. The possibility of it is an incessant source of anxiety ; the risk of it puts him at a disadvantage in bargaining with the employer ; when it comes it consumes savings and often heaps up a burden of debt ; if it is prolonged it deteriorates health and brings misery to the family ; when it is past it leaves behind it a rankling memory of bitterness. Labour has sought to safeguard itself against all this by limiting the entry of



new workers to the trades and by limiting the production of the workers already employed. It is a clumsy method. It has been applicable only in certain industries. In these, experience has often proved that it is ineffective, after all, to prevent unemployment. It is now seen to have involved a great reduction in the wealth-producing power of the nation. But if Labour is to agree to its surrender, a substitute must be provided.

It appears that the time has come, and is indeed long overdue, when the country as a whole should recognise that irregularity of employment is one of the gravest injuries that can afflict it, and should deliberately bend its energies to its prevention, where prevention is possible, to finding a remedy where it is not. In this should be found one of the chief aims of social activity. As national education is among those aims, or the promotion of the public health, so the prevention or cure of unemployment should be recognised as another, to rank with those, and to be pursued with not less energy and



resource. It touches one of the root causes of discontent and one of the chief hindrances to the progress of the people.

In great stable industries like the railways and the Post Office, unemployment is almost unknown. In fluctuating industries the problem is obviously more difficult. But employers might be pressed to make regularity of work one of the first objects of management. The reputation of the employer should depend not less upon avoiding dismissals than upon paying good wages and working reasonable hours.

The State and the municipal authorities now have to undertake a great number of works of considerable variety. It might be made the rule, in the case of all that are not urgent, to have regard, before putting them in hand, to the degree of activity in private industry. When that is busy public authorities should, wherever possible, postpone their work. When that is slack they should be busy. Such a rule, consistently applied, would help appreciably to lessen the fluctuations of the labour market as a whole.

Insurance against unemployment, again, under the auspices and with the assistance of the State, is only in its beginnings. It appears to be capable of a large development. In particular, the case of the skilled craftsman who is displaced by some new machine, who is too old to learn another trade, and for whom no other employment with similar pay can be found, has not received the examination which is demanded by the hardship it involves. If the diminution of earnings in such cases could be made good by insurance, much undeserved suffering would be avoided, and much of the antagonism on the part of Labour to improvements in the methods of industry might be expected to disappear.

And if Labour is to agree to the surrender of the primitive weapons by which it has sought to prevent the speeding-up of work to the point of exhaustion, and the cutting of rates of pay at the cost of the standard of living, it must be conceded, with good grace, a sufficient voice in the day-by-day settlement of those

questions as they arise. Where the welfare of the workers is directly concerned the employer cannot expect to have, and ought not to desire to have, an autocratic control. If there is to be willing co-operation between workman and employer in securing a maximum output, there must be willing co-operation between employer and workman in settling the conditions under which that output is to be produced.

The Labour question at bottom is a question, indeed, not only of cash but of status. The workman, educated, enfranchised, organised, has passed beyond the stage when he could be regarded as a "hand." A citizen of the State, he is not content to remain merely a subject in the workshop. The whole history of this country is one long proof of the determination of the people to have an equal voice in the management of affairs that affect themselves. This has been won in the sphere of politics, but it has not yet been won in the sphere of industry. Here we can find the origin of many of our troubles. The bitterness, the friction, the hindering

of production, the great strikes and lock-outs that dislocate trade from time to time, can be seen to be largely due to the fact that this fundamental defect of organisation has not yet been recognised and cured. Means have not yet been devised for applying the principles of democracy to the conditions of employment. Trade unions have to fight for recognition. Their leaders are regarded more often as antagonists than as colleagues. Except in a few industries, the workman is not yet allowed an established place in administering the common affairs of his trade. Industry has not yet reached its Reform Bill of 1832.

It is not through Parliament that Labour can best exercise this share of control. The matters to be dealt with are too detailed, they alter their shape too quickly, for laws to be able to handle them. The legislature, Government departments, official inspectors, have not knowledge enough and are not nimble enough, to manage successfully these technical, changing questions of work and wages. We must seek some other organ of control.

Our system of government, from its very beginnings, has been built up on a basis of area. Its plan (with the single exception of university representation) is geographical. Representatives are elected to Parliament from boroughs and counties, to local authorities from wards and parishes. The citizen is grouped with those who happen to be his neighbours. He votes as a unit in the population of the place where he lives. For the management of the particular affairs of a town or a county, or for the management of the general affairs of the country as a whole, no better basis has yet been discovered, so far at least as European communities are concerned. The subjects to be dealt with are so multifarious that no method can be found of segregating and of arranging them so that only the people directly concerned with each should vote for the representatives who should handle them. But it is different with industry. You can start with the trade instead of with the area. You can group the voters according to vocation and not according to locality.

You can create councils to administer the common affairs of each industry as such, instead of the affairs of a country or a county or a town.

Of the many sub-committees of the Committee on Reconstruction which were appointed by Mr. Asquith's Government, one of the most important was the sub-committee on the Relations between Employers and Employed. It sat under the chairmanship of Mr. Whitley, the Chairman of Committees of the House of Commons ; it consisted of leading representatives of capital and labour ; it included economists and industrialists, women and men ; its conclusions were unanimous. It recommended that, in the several industries, the employers through their associations, and the workpeople through their unions, should create, where they do not already exist, Joint Standing Industrial Councils, on a national basis ; it recommended, further, that, in the well-organised trades, subordinate Councils should be established in the districts, and joint Works Committees in the individual establishments.



The Report proposed that among the questions with which the National Industrial Councils should themselves deal, or which should be allocated by them to the District Councils or Works Committees, should be the following :—

“ 1. The better utilisation of the practical knowledge and experience of the workpeople.

2. Means for securing to the workpeople a greater share in and responsibility for the determination and observance of the conditions under which their work is carried on.

3. The settlement of the general principles governing the conditions of employment, including the methods of fixing, paying, and readjusting wages, having regard to the need for securing to the workpeople a share in the increased prosperity of the industry.

4. The establishment of regular methods of negotiation for issues arising between employers and workpeople, with a view both to the prevention of differences and to their better adjustment when they appear.

5. Means of ensuring to the workpeople the greatest possible security of earnings and employment, without undue restriction upon change of occupation or employer.

6. Methods of fixing and adjusting earnings, piecework prices, etc., and of dealing with the many difficulties which arise with regard to the method and amount of payment apart from the fixing of general standard rates, which are already covered by paragraph 3.

7. Technical education and training.

8. Industrial research and the full utilisation of its results.

9. The provision of facilities for the full consideration and utilisation of inventions and improvements designed by workpeople, and for the adequate safeguarding of the rights of the designers of such improvements.

10. Improvements of processes, machinery, and organisation and appropriate questions relating to management and the examination of industrial experiments, with special reference to co-operation in carrying

new ideas into effect, and full consideration of the workpeople's point of view in relation to them.

11. Proposed legislation affecting the industry."

Here, then, we have a plan, with a weight of authority behind it, which if it can be accepted and successfully maintained in operation, will give us precisely what is now seen to be lacking in the world of industry. It does not propose to introduce any fresh complication into the commercial side of business ; it does not give a voice in negotiating contracts, in seeking outlets for trade, in the day-by-day work of the counting-house, to men whose training has not qualified them to exercise it. Some of the work of the Councils would no doubt have to be delegated to subordinate bodies representing, not local, but sectional interests within the trade. Parliament would supervise their activities with a view to protecting, if ever the occasion arose, the interests of the whole body of consumers against any action on the part of an Industrial Council that was

unfair to those interests. No doubt many difficult questions would present themselves as the scheme took shape. But the essential virtue of the proposal is that it would at last provide a recognised and permanent method by which the workman could share in the decision of the industrial questions that vitally affect him. Side by side with our national and local representative bodies, based on area and controlling public affairs in general, it would set up a system of national and local representative bodies based on vocation and controlling the common interests of the trades. The workman would become a citizen of the workshop as well as of the State. A free constitution would be established in industry as well as in national government.

When we approach the formidable problem that now faces us, the problem that arises out of the suspension of trade union restrictions during the war and the mingled benefit and danger that has followed, it appears, then, that on lines such as these we may be able to find the means of solution. If the State devotes itself effectively

to preventing unemployment or to lessening its hardship ; if the associations of employers and employed agree to create Industrial Councils which will give the workman a status in deciding the trade conditions by which he is to be bound ; if those Councils devise means to protect him against the cutting of rates of pay, against the undue speeding-up of work, and against displacement, without alternative employment, through the adoption of labour-saving devices ; then, in return, the restrictions on production, which injure in the long run both employers and employed, both nation and individual, may be discarded by common consent, and the country gain by the increase of its wealth and the expansion of its population.

It used to be said that industrial regulation, whether it were by statute, or by the power of trade unionism, or by any other means, would be a violation of the laws of political economy. This policy involves, indeed, a still greater departure than hitherto from the principles advocated by the earlier political economists. It

means a more strenuous effort on the part of society to remedy, by its own deliberate action, plain evils which, left to themselves, do not in fact get cured. It means a conscious and organised resistance to economic forces which continually tend to depress the level of well-being of labour. But this is no more a violation of the laws of political economy than to go upstairs is a violation of the law of gravity.

#### VI.—CONCLUSION.

IN this country and in this age we are not far away from the goal of complete national and constitutional and personal liberty. Alien rule in Ireland and such class privileges as survive here and there are visibly nearing their end. Of the enemies to liberty that remain, the greatest is poverty.

The slum-dweller in one of our industrial cities, living, year in, year out, in overcrowded rooms in one of the mean streets of a mean town, without money enough



to buy a share in the pleasures of life, without broad interests of any kind—he is not a free man. He is the slave of his own needs. It is not only the necessity to work for a maintenance that limits his freedom ; the whole weight of the social system in which he lives pins him down. In so far as that system imposes poverty so far it denies liberty. Every effort to raise the condition of the poorest is a part of the movement for liberation.

The fixing of minimum rates of wage by State action is a direct means to this end. They have been fixed already in the large group of trades which were known as sweated trades ; they have been fixed in the mining industry, with its million of employees ; they apply over the wide field of State employment ; they are now being applied in agriculture. Other extensions are possible. Measures, also, that help to increase the total wealth of the community contribute indirectly to the same end.

Here we touch the problems of State action in relation to commerce. The vast

industrial and commercial effort to which the nation is called to give its energies during the difficult years immediately succeeding the war, and for many a long year after, this also will help, indirectly, to lessen poverty. To secure the best use of the land, of the mineral resources of the country, of railways, canals, shipping ; to foster science and promote technical education ; to apply a forward policy in the development of British trade throughout the world—all this, we may hope, will be steadily pursued with activity, ingenuity and enterprise. In its result it will not only help to lighten the financial burdens left by the war, and to strengthen the reserves of wealth of the nation ; it may make possible also such a levelling-up of the rates of wages as will gradually set free the millions of the population who are now held fast by poverty.

A greater national wealth is needed to furnish the means as well for a fundamental improvement in the surroundings of the people ; an improvement which every observer has long seen to be essential, and

which individual action, without State help, is powerless to secure. Our civilisation has not yet solved the problem presented by the collection of large numbers of human beings in small areas. Our industrial towns, for the most part, must be admitted to be failures. Badly planned, badly built, ugly, smoky, they are no worthy environment for a self-respecting people. "Qualities were fostered in classical Athens or mediæval Florence by the mere aspect of the city, which find a poor soil in our Bermondsey or Leeds."

Progress here depends chiefly on the local authorities. It depends on the readiness of the ablest men and women among the citizens to serve as members of those authorities, to inspire them with a high standard of requirement and of activity, to equip them with a local civil service that is well organised and efficient.

To the local authorities also must be entrusted in the main the measures that are necessary to protect health. The achievements of the last half-century in this province have been striking, but they

leave unremedied, or half-remedied, many of the physical miseries which poverty brings in its train. It is an established fact that the rate of infant mortality is unnecessarily high ; the help given to maternity is insufficient ; the hospital accommodation in many towns falls short of a proper standard ; a great total of preventable disease is still tolerated. These deficiencies squander the wealth of the State, which consists above all in its men and women, and rob the individual of that full freedom of life of which health is an essential condition.

But it would be a narrow view of liberty which limited its demands to material things or physical things. An excessive care for environment may itself be a clog. A material age, concentrating on comfort at the expense of thought, may make life more easy but less spacious. " Things are in the saddle and ride mankind," said Emerson in his famous phrase. This is a domain in which the individual is supreme and in which men must work out their own salvation ; the State can do little to help

them. — It can, indeed, place in their hands some of the tools which they need for the task. An effective system of national education, not aiming solely, or mainly, at technical teaching, extended to a longer period than has hitherto been thought possible, giving ample opportunities to the cleverest to reach the higher levels of knowledge—this also is necessary if liberty is to be complete.

The war has given a violent shock to men's minds. They have been sharply jolted out of their usual grooves. They have become more receptive to new ideas. Enterprises which seemed impracticable or distant appear now to be simple and long overdue. If, as a consequence, the nation is able to start afresh, in many directions, on better lines and with a new impetus, the war will not have been all tragedy, the sacrifices will have been made for the sake of a larger result than those who made them could foresee. When the war is over, it may be discovered that a powerful impulse has been given to the process, that has been working with ever-



growing force in recent years, which aims at so moulding the order of society as to ensure to every one of its citizens a fair chance to lead a life that is truly free.

We are approaching the end of the older movement for liberty. The sweat and the blood of those who have toiled and fought and suffered for it have not been in vain. The task of liberation from the danger of foreign control, or from autocratic or oligarchic government, or from oppressive laws, is, in this country, almost completed. We pass from this stage of our history, and we can distinguish more clearly the form and nature of the newer movement for liberty into which we have already entered. We see awaiting us other vast and complex tasks, the establishment of social and industrial freedom, the liberation of the mass of the people from a ruthless economic pressure and a cramping environment: as travellers in a mountain country, nearing a ridge after a long and arduous climb, find new uplands and valleys opening out before them, far as the eye can reach.





## RECONSTRUCTION

THE Inaugural Address of the Oxford University Extension Summer Meeting, delivered in the Sheldonian Theatre, Oxford, August 2nd, 1917.

The last time that I was present at a lecture in this theatre was twenty-four years ago when as an undergraduate I came to hear Huxley deliver the Romanes Lecture on Evolution and Ethics, which, published soon afterwards, attracted a widespread attention. We strained to catch the voice, weakened by age, of the illustrious protagonist of natural evolution, as he protested against the misuse, the undue extension, of the doctrine to the championship of which he had given the best of his life ; as he insisted on its restriction to the province to which it properly belonged. It is a fallacy to

suppose, he said, "that because, on the whole, animals and plants have advanced in perfection of organisation by means of the struggle for existence and the consequent survival of the fittest; therefore, men in society, men as ethical beings, must look to the same process to help them towards perfection." We can imagine the fervour and the scorn with which Huxley, if he had been alive to see the catastrophe which is now devastating the world, would have denounced the perversion of the doctrine of evolution which has been so widespread in Germany, and which is in large degree responsible for the "will to war" of her thinkers and people; the shallow philosophy which holds that nations should imitate the struggles of animals, and which seems to regard history as nothing higher than a branch of zoology. "Let us understand, once for all," Huxley declared, "that the ethical progress of society depends, not on imitating the cosmic process, still less in running away from it, but in combating it."

The mischief done by the misuse of the principle of evolution has not been only in international relations. It is partly responsible for the neglect in earlier days of measures of social improvement at home. The order of nature requires, it was thought, an unlimited competition between individuals, and the world would progress most quickly if the weakest were left to go to the wall. It was forgotten that the weakest, in human society, are not as a rule killed off by the competition, but are left as failures, maimed by the struggle itself, to be a burden on the rest. It was forgotten that the strongest are not necessarily the best. "The man who accepts the *laissez-faire* doctrine," as Ruskin says, "would allow his garden to run wild, so that the roses might fight it out with the weeds and the fittest might survive."

We have emerged from that stage of thought. It is recognised, almost universally, that competition, a healthy stimulus if it is kept within limits, may be destructive if it is allowed to be unrestricted.

Co-operation is not less essential. The truth is realised that it is only through social action that man can become the master of his own fate. The effect of this change of view is seen in the eagerness with which the best minds of the nation are attacking, in these days, the problems of reconstruction, and are preparing a vast programme of public action aiming at social and economic reform.

There has probably never been in this country, since the sixteenth century, such an intellectual ferment as there is at this moment. The order of society, the constitution of the State, the future relations between peoples, the fundamental doctrines of religion, all are being probed, examined, argued. Ideas are seething. There is a widespread determination that a real advance shall come out of all this. There is a passionate resolve that, after this welter of destruction and death, there shall emerge a strong practical effort—I use again a phrase of Huxley—"to bring the order of things into harmony with the moral sense of man."

The elements that make up the present state of feeling have been slowly accumulating. For half a century education has been spreading among the people. Labour has been organising.

“ Lazarus, hungry,  
Menaces Dives ;  
Labour the giant  
Chafes in his hold.”

The growth of scientific knowledge has had a dissolving effect on many old conceptions. The self-governing Dominions of the Empire have come to manhood, and the fact has widened the outlook of the British people. The violent political controversies of the years immediately preceding the war stirred the whole nation. Suddenly, added to all this restlessness of spirit, there comes the experience of the greatest war known to history ; an obvious indisputable calamity, such as every home feels and every individual can understand ; a plain failure both of international statesmanship and of religion. In its train it has brought the Russian



revolution ; which has shown, first, how swiftly ancient and apparently powerful institutions may be overthrown, and then how difficult and painful is the effort of a vast ill-organised nation to obtain safety and good government. The war has brought also the emergence of the United States of America from her isolation, the determination of a new and mighty people, ruling themselves on principles of pure democracy, to play their part in shaping the development of the Old World and of mankind as a whole.

These great and significant events, acting upon a state of mind already agitated and unsettled, cannot fail to have a profound effect upon this country. They may lead to blind discontent, to turmoil, revolutionary strikes, a growth of cynicism, a loosening of morals. On the other hand, if the thinkers and the practical men prepare the way, they may give a powerful impetus to ordered progress, they may secure beneficent changes in the political and economic sphere, may stimulate a splendid

development in the field of intellect. The period on which we are entering may, perhaps, prove to be a second Renaissance.

Like a fire that consumes the squalid rookeries of some old city, leaving a clean, bare space for broad streets to be planned and wholesome houses to be built, so this conflagration may burn away many of the cramped, stifling ideas that have come down to us from the distant past and clear a space for new thought and constructive action.

Who will deny that there is good ground for the discontent, which is widespread, with the existing social order? There are still large patches surviving of a lower civilisation, the society of Hogarth's pictures of the populace, or of Patrick MacGill's novels of the present day. Those whose duty it is to study the causes and facts of crime and pauperism are well aware of them. And above the lowest ranks there is a mass of undeserved poverty, of avoidable disease, of unredeemed misery, which cannot be tolerated generation after

generation. No one doubts that our social organisation is full of imperfections. Against all this we seek to make head. We are not prepared to accept evils as inevitable because their cure seems difficult. We draw inspiration from the knowledge that we are working for the future—and the future is more worth working for than the present because there is so much more of it! But when we come, in a practical spirit, to study the measures to be taken to achieve our object, we find at once that their range is very wide; the closer we approach to the problems to be tackled the more numerous and the more vast they are seen to be.

There are the economic and industrial questions. We shall emerge from this war burdened with a debt of a size formerly inconceivable. Public finance will wear a very formidable aspect. Money for social improvements will be hard to find. An increased national production of wealth will be a prime necessity. A series of large and urgent questions relates

to the use of the land, the mines, the railways, the canals, so as to secure from them the greatest social advantage ; to the fostering of science and the encouragement of technical education ; to the active promotion of our commerce overseas.

There are the social problems—town-planning, housing, temperance ; a dozen questions relating to health, maternity, infant mortality, child welfare ; a dozen more relating to elementary and higher education. Anyone who has been for a year in any of the great Government Departments dealing with these matters could write down on a piece of paper a long list of reforms, which would be universally admitted to be desirable and practicable, but which somehow are not in fact accomplished.

There are the Imperial and international problems—the means to be adopted to give the outlying parts of the Empire a share in controlling foreign policy, and other matters of common interest ; the best method of fostering the gradual

growth of self-government in India and the other dependencies ; the discovery of some practical means, if there be any practical means—and I hope there may be—of securing *government* in international affairs, in place of the age-long anarchy which has brought, as anarchy always does, such black ruin in its train.

Here is a vast mountain range of problems, grim, rocky, formidable, which we have to tunnel through or climb over as best we can.

The lines of advance are four. There is the agency of Parliament and the central government. There are the local authorities. There are the voluntary organisations. There is the action of the individual.

The House of Commons before the war was notoriously overburdened with business. Each session it reminded one of the Duke of Newcastle who was Prime Minister in the middle of the eighteenth century, of whom it was said that he gave the impression that he had lost half-an-hour each morning and was hurrying about all day to try to catch it up. It is

true that during the war the making of laws has been, as a rule, a very speedy process ; partly because a number of emergency Bills were passed through with little discussion, or none, during the first few weeks ; partly because one of those Bills, for the Defence of the Realm, transferred to the Executive, over a large part of the field of government, the power of legislation. Had Parliament attempted to deal, by the ordinary method of Public Bill, with all the matters with which the Government has dealt by Orders in Council under the Defence of the Realm Act, it could hardly have survived the strain. The Orders and Regulations made under that Act, in their collected form, now cover 550 pages of close print. But after the war, the normal procedure must be restored. And legislation takes time. The clauses of a Bill need the examination of many minds, looking at them from different angles and in the light of varied experience. A principle may be quickly enunciated ; a proposal may be attractively stated at a public meeting in a few rousing sentences ;



but the terms of a statute, which bind men's actions and expose them to penalties, are a different matter. Good rhetoric may be bad business. A peroration is one thing ; an Act of Parliament is another. The position of the House of Commons, unsatisfactory as it was before the war, afterwards, with this flood of new problems poured in upon it, promises to be far worse. It is likely to prove the bottle-neck of much of the work of reconstruction. The nation, intensely eager for the solution of these many questions, will be first impatient, and then angry, at the thin flow of measures which will slowly trickle through. The fault lies, no doubt, in some degree with the procedure of the House itself and with the dilatory methods of a proportion of its members. But I would suggest that in the main it arises from the fact that our Parliament has been set a task too vast and too complex for any single legislature to perform with success.

It has to do the work of a Parliament of the Empire—to deal with foreign affairs,

defence, India, the Crown Colonies and Protectorates. It has to do the work of a Parliament of the United Kingdom—to control all the matters of common interest to the United Kingdom. And it has to pass local legislation for England, for Wales, for Scotland and for Ireland.

The United States, with a population of a hundred millions, has its law-making done by one federal legislature and forty-eight State legislatures. Germany, with a population of sixty-six millions, has its law-making done by one Imperial legislature, six State legislatures and a number of lesser authorities. Canada, with a population of eight millions, has one federal and nine provincial legislatures; Australia, with a population of five millions, has one federal and six State legislatures. The United Kingdom, with a population of forty-five millions and an Empire covering a fifth of the globe, leaves a single Parliament to struggle as best it can with the streams of legislation, important and trivial, agreed or controversial, which come to it unceasingly from every

point of the compass. The task is hopeless. If the attempt is continued after the war, with the additional demands for the rapid enactment of reconstructive legislation, it is bound to lead to widespread and bitter disappointment.

The need is for a transfer of business both upward and downward.

It is safe to prophesy that the existing constitution of the Empire cannot be its final form. It does not rest upon a basis of equal self-government. Foreign affairs, declarations of war, the common defence, touch the Dominions as closely as the United Kingdom, but the power of decision rests with the statesmen and the Parliament of the United Kingdom alone. Public opinion fully recognises that the Dominions are not adjuncts of the Empire, but integral parts. The constitution has regarded them as nothing more than adjuncts.

One of the resolutions of the recent Imperial Conference declared "that the readjustment of the constitutional relations of the component parts of the Empire is

too important and intricate a subject to be dealt with during the war, and that it should form the subject of a special Imperial Conference to be summoned as soon as possible after the cessation of hostilities." We may look forward, then, at no distant date, to something in the nature of a Constitutional Convention representative of the whole Empire. But the Imperial War Cabinet, which met at the same time as the Imperial Conference, was of the opinion that whatever other arrangements might be made, its own meetings ought not to be allowed to fall into abeyance, but ought to be revived annually or at such shorter intervals as the occasion might require. It decided that the Prime Minister of the United Kingdom and such of his colleagues as deal specially with Imperial affairs, should sit with the Prime Minister of each of the Dominions, or some representative charged with equal authority, with a representative also of the Government of India, in a true Imperial Cabinet.

Would such an arrangement by itself

be sufficient to meet the present needs of the case? We shall be able to collect opinions when the Constitutional Convention meets. The proposal would give to the Dominions and India a voice in foreign policy and other matters of common concern; but it would be an intermittent voice. Critical questions, needing instant decision, might arise at times when the annual Imperial Cabinets were not sitting. On the law of averages, they would be much more likely to arise during the many weeks of the year when the sittings were not being held than during the few weeks when they were. It may be found that something more continuous is necessary. It would be possible to create an Imperial Executive in which each of the Dominions would be represented, not only by its Prime Minister on the comparatively rare occasions when his duties allowed him to come, but permanently, between those visits, by a Minister resident in London; as Canada is now represented in London by Sir George Perley, who lives there, but who retains the status of a member of

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the Canadian Cabinet. India would also have a permanent representative. An Executive so constituted, and perhaps only such an Executive, would give to the outlying parts of the Empire the effective voice in the day-by-day discussion of matters of common concern which, it is universally conceded, they are fully entitled to claim.

But will even this be enough? Five men would be added to the secret councils of the Empire, but its peoples would hardly feel, if we stopped there, that they had been made full partners in its government. Their elected representatives would still have no share. There would be no common platform for the public discussion of the Empire's problems. So far as the Imperial Executive was responsible to any assembly, it would be to the Parliament of the United Kingdom alone that it would be responsible. There would be an organic union of governments, but not an organic union of peoples.

All the signs of the times indicate, however, that the moment has not yet come



for the establishment of a full system of Imperial Federation. It is certain that, even if the Mother-country approved it, the Dominions would not concur. Sir Robert Borden has stated that, at the recent Imperial Conference, the proposal was rejected as being neither feasible nor wise. Although it has support in some quarters in New Zealand, the opposition in Australia and South Africa is at least as strong as in Canada. The Dominions will not surrender any of their autonomy to a central legislature in which they would be in a standing minority, and above all will not consent to be subject to its taxation. There are few among the students of this subject who would not cordially agree that in existing conditions, the Dominions are right.

But when we come to study this large problem more closely, it is worth while to consider whether arrangements could not be devised, without impairing in any degree the sovereign powers now vested in the several Parliaments of the Empire—while leaving them quite undisturbed—

to create some central assembly, consisting of delegates from the local Parliaments, and with very limited powers. Before that Assembly the Imperial Executive would present itself ; it would discuss the policy of the Executive ; it would criticise when criticism was necessary ; it would consider and prepare, but not enact, Bills or matters of common concern ; it would shape schemes for the common defence and for the allocation of its burdens. Each of such Bills or schemes would be transmitted to the Parliaments of the United Kingdom and of the Dominions, and to the Government of India. If approved, it would be enacted by them. If in some particulars it was disapproved, it would be amended. If the whole was disapproved, it could be rejected. But it might be anticipated that a central Assembly, composed of able representatives of the several parts of the Empire, would succeed in framing proposals which, as a rule, would be found to be acceptable. Above all, the educational effect of the debates between members of the various

legislatures, meeting for some weeks each year, to discuss concrete questions of current interest, could not fail to be profound. It would help the white peoples of the Empire to appreciate better the standpoint of the coloured peoples, the coloured peoples the standpoint of the whites ; the outlying parts would gain a better understanding of the problems of the Mother-country, the Mother-country of the outlying parts. The democracies would acquire that fuller mutual knowledge which is essential to a complete and lasting co-operation.\*

If such a consummation could be reached, it would be likely, in course of time, to relieve the House of Commons of some part of its burdens. Debates on foreign policy, defence, India, the Crown Colonies and Dependencies, would be relegated for the most part to the Imperial Assembly ; the House of Commons would be largely represented there, but the discussions

\* A fuller statement of this suggestion is contained in an article by the present writer in *The Nineteenth Century and After* for March, 1917, under the title "The Organisation of the Empire."

would be held in the presence and with the assistance of the spokesmen of the other peoples whose interests were concerned. So there might be achieved a transfer of business from the House of Commons upward.

But the greater relief must come from the transfer of business downward. It is seldom realised how large a part of our legislation is of a local character. In the ten years 1901-1910—I have seen no later figures—the Parliament of the United Kingdom passed 458 public Acts. Of these no more than 252 applied to the whole of the United Kingdom. The remainder, 206—between a third and a half—applied either to England and Wales alone or to Scotland alone, or to Ireland alone, or to two of them.

The United Kingdom being more compact in area than the United States, or Canada, or Australia, has not, for that reason, the same need that they have for the multiplicity of Parliaments to which I have referred. But on the other hand, historical conditions have led to a greater

diversity within the area of the State than exists in their case, and in that respect the need is greater. Scotland and Ireland have in fact their own Executives ; their own Ministers, their own Education Departments, Local Government Boards, Boards of Agriculture. They have their own Law Officers and judiciaries. They have their own codes of land laws, liquor laws, poor laws, ecclesiastical laws. It is only the legislature which is unitary. One unhappy Parliament has to struggle, as best it can, to supervise and to keep up to date all these local systems, as well as the common concerns of the United Kingdom as a whole. In matters of land, liquor, education and Church, Wales also has problems of her own and legislation of her own. Here is one of the chief sources of our Parliamentary troubles. You cannot drive—to quote the old saying—four coaches abreast through Temple Bar. And what happened to Temple Bar, which could not take four coaches abreast ? Temple Bar was pulled down. It was picturesque ; it was full of historical interest ; but it

was incompatible with the requirements of modern traffic, and it disappeared. The obstruction to the Parliamentary traffic must go as well.

It is no longer a question of yielding, whether graciously or reluctantly, to the demands of the national sentiment of Ireland and Scotland and Wales. We have come to the pass when we must implore the Irish, the Scotch and the Welsh to be good enough to take away their local business. We can no longer cope with it. As a consequence English business must be devolved on to another assembly as well. There will be ample work for the constant attention of these local legislatures and their executives : agricultural development, land reclamation, afforestation, town planning, housing, health, education, liquor control—the list is far from exhaustive. There will remain to the ancient central Parliament questions of commerce, industry, communications, finance. There will remain to it the control of defence, international relations, Imperial issues—either a complete and



direct control as now, or a partial and indirect control through its delegates in an Imperial Assembly, if such an Assembly be established. There will remain the management of all the mass of miscellaneous questions which cannot be devolved.

The machinery of the State is a century old. It is incapable of dealing with the needs of the time. The plant must be modernised. Only when this is done will there be a fair prospect that that part of the task of reconstruction which demands new action by Parliament can be handled with the necessary expedition and care.

The second line of advance is through the Local Authorities. I would suggest to you that public attention has been concentrated far too much on the central organs of the State and on the need for new laws, and has been directed far too little to the local organs of the State and to the need for the active administration of the laws that already exist. No doubt the present powers of Local Authorities ought to be extended, in many direc-

tions and largely. But they are very considerable as they stand. They are often most inadequately used. No small part of the task of reconstruction would be effected through the vigorous use of their present powers by Local Authorities without the passage of a single new Act of Parliament.

With respect to sanitation, assistance to maternity, child welfare, the development of education, if every town and county would reach the standard of administration of the most enterprising among them, a striking improvement would be effected. For securing the good planning of the growing suburbs of the towns, the provision of open spaces, the protection of the atmosphere from pollution by smoke—no unimportant matter—the local bodies are already armed with authority which, though it might be strengthened with advantage in some particulars, is amply sufficient to effect far more than has yet been done. Here and there we find a town, or a part of a town, which reaches a tolerable standard. This city of Oxford appears to

many of us to bear some resemblance to what a town ought to be ; but then we see her with lover's eyes and perhaps not as she really is. But it must be confessed that most of our towns, almost all our industrial towns, in design, in appearance, in civic equipment, in the influence which their aspect and their atmosphere exercise on their inhabitants, do no credit to our times.

When I held the office of President of the Local Government Board I was able to realise the remarkable inequality in the administration of different districts. A group of earnest, practical men and women in one locality can effect great changes. The lack of such in the neighbouring town leaves plain abuses unremedied. Generally speaking, there is a dearth of good candidates for local bodies. The mind of the nation turning too exclusively to Parliament, the Press concentrating on it, St. Stephen's becomes the road to possible fame ; the Town Hall is often regarded as the road to certain obscurity. But men and women of

ability and goodwill, who are moved more by duty than by ambition, can find a sphere of fine activity in membership of the Local Authorities ; they will seldom discover a better opportunity of serving the community than in helping to secure enterprise and efficiency throughout the whole range of administrative bodies, from the Council of the Parish up to the Council of the City and the County. The new rising tide of social energy, which it is hoped will be set flowing by the impetus of the war, should not only sweep along the main channels, but should have force enough to fill every little pool and backwater. It is those that have been the longest stagnant that most need the vivifying flow.

The third line of advance is through the voluntary organisations. Their number is legion. If anyone were to take a census of the number of Committees now in existence in this country, dealing with education, health, insurance, clubs, trade, employers' associations, labour associations, friendly societies, co-operative

societies, political organisations, religious organisations, I believe he would find that their total would bear a remarkably high ratio to the total number of the population. It has been said that if a party of Englishmen were cast ashore on a desert island, the first thing they would do would be to appoint a Committee with a Chairman, Treasurer and Secretary. The future historian will probably find in the multiplicity of voluntary organisations of all kinds one of the distinctive features of our civilisation, compared with the civilisations of former ages. Very many of these will have their part to play in the new tasks of construction and reconstruction. On their capacity and activity the successful accomplishment of those tasks must largely depend. The movement that has lately been set on foot for the proper training of the voluntary workers, where expert knowledge is necessary, should have useful results in this direction.

In face of this profusion of organisations there is a natural reluctance to propose, or to agree to, the creation of yet another

set ; but in one very important sphere that appears to be necessary.

It is recognised on all hands that the smooth, rapid, orderly progress which is so earnestly desired must depend, more than upon any other one thing, upon the harmony of capital and labour. If the bitter antagonisms of the past, the constant and widespread dislocations of industry, are to continue in the future, the prospects are dark indeed. Here also the organisation of the social system is plainly defective.

As a part of the work of reconstruction it appears to be necessary to establish a hierarchy of organisations, representative of employers and employed, with specific functions and adequate powers, for the management of the common interests of each of the industries. Supervised by the State, in close touch with Government Departments, their basis will nevertheless be voluntary. They will have a leading share in that part of the work of reconstruction which falls to the province of the voluntary organisations.

The fourth line of advance is through



individual action. The work is far too vast to be accomplished by a few leaders. It needs all the energies of the living nation. Each cell in the body must have its own life and activity, and perform spontaneously the functions that belong to it. The State, the Local Authorities, the voluntary organisations, may supply opportunity, a favourable environment, expert advice. It is for the individual himself to profit by them.

And even if it were possible by laws and institutions to press and manipulate the people into conformity with some admirable model which we have in our mind's eye, we should do more harm than good by that. Personal liberty would be sacrificed ; and liberty also is one element, an essential element, in the good life. So we come back, as the chief agency in the work of reconstruction, to the free action of the individual, seeking to reach a higher standard for his own sake, and for the sake of the nation and the race which are made up of such as him.

Besides, the State, the Local Authorities,

the Voluntary Organisations, are themselves nothing more, of course, than individual men and women grouped together in certain ways and doing certain things. Apart from them, they are nothing more than mere abstractions, mere names. They must depend entirely for their own efficiency upon the intelligence and activity of the units that compose them. Democracy is a hobby-horse which will carry you nowhere unless you use your own legs. Whether we are to succeed or fail in reaching the objects at which we aim depends, in the last resort, upon the number of persons in the nation who are ready to give time and energy and thought to the effort to attain them.

There are still some who deliberately keep themselves aloof from public action. Sometimes they regard themselves as superior to politics. It may be suspected that in fact it is often the other way about. If they are lacking in judgment or goodwill their abstention may, indeed, be a service. But if they have those qualities, then it is an act both of desertion and of folly.

There is an epigram, connected with the name of Simonides, which has a good moral :—

“ I never interpose in high debate :  
Simonides, what think you of my rule ? ”—  
“ If you’re a fool, I think you very wise ;  
But if you’re wise, I think you are a fool.”

And in any country where it becomes the custom, as was the case not long ago in the United States, for people of education and good intention to keep aloof from politics, to take no share in working the machinery which is an inevitable part of a democratic system, the effect is soon seen. One of the greatest of Americans has summed it up in a sentence. “ The punishment,” says Emerson, “ which the wise suffer who refuse to take part in the government is to be under the government of worse men.” He might have added that they bear the reproach of leaving the less wise under worse government as well.

The individual is moved by the ideas he holds. This war itself is seen to be, at bottom, a conflict of ideas. If the great organisation of human beings, which we call

Germany, takes one course, and the other organisations, which we call the British Empire, and France, and Italy, and the United States, take a different course, it is because the men who compose them have different ideas of what is right. The opposite conceptions clash, to the infinite suffering of all alike. The ideas of both cannot be right. If all had equally accepted beforehand the ideas which were true, there would have been no conflict, and none of the miseries of these years through which we are passing so slowly and so painfully.

And when the war is over, it will still be ideas that will determine the future. Set up what League of Nations you choose, establish what system you like of limitation of armaments and arbitration of disputes, unless there is widespread among the peoples "a will to peace," and not a "will to war," they will all be as ineffective as building walls to shut out lightning. The truest word was spoken by Goldwin Smith long ago, "The only sure guarantee of peace is morality."

So also with our domestic or Imperial problems of reconstruction, the solutions of which all depend on the action of individuals. How the individuals will act, whether they will be active at all, depends in turn on the ideas they hold, on their conceptions of right and wrong, or their carelessness of right and wrong. Without the impulse of sound ideas and their guidance, there will be no effective reconstruction ; our aspirations will remain aspirations, our admirable paper schemes will never be translated into realities. We have to rely, at the end of it all, on the quiet hidden forces that move mankind, on the still, small voice that gives the ultimate command.

You are well advised, therefore, when meeting to consider the questions of reconstruction, to devote one part of your sittings to "The Future of Religion in England," to "Ethical Reconstruction" and "Theological Reconstruction." Old philosophies are always being reviewed, but the modern world demands that the old orthodoxies, of all the creeds, shall

now be reviewed also ; and not till this is done can they gain a real grip on men's minds and exercise a live influence on their conduct. "First," says Carlyle, "must the dead Letter of Religion own itself dead, and drop piecemeal into dust, if the living Spirit of Religion, freed from this its charnel house, is to arise on us new-born of Heaven, and with new healing under its wings."

The nation has to mourn many—how many !—gallant young lives sacrificed in this war. The sorrow for their loss, the gratitude for their sacrifice, the pride in their achievement, will seek to find some expression. After the war is over there will be erected in all parts of the land memorials to the fallen. Beautiful and inspiring let us hope they may be, enduring memorials of marble and of bronze. But we sometimes think that there is only one memorial that will be worthy of all these youths that have gone from among us and will never come back. If we can make our country what a community of civilised men ought properly to be ; if we can clean it



from the impurities that have soiled it ; if we can free its people from the evil conditions that make so many of them wretched and some of them base ; if we can so mould its policy as to help that there shall be no more wars—that would be the true memorial ; the only memorial really worthy ; more beautiful and inspiring than any visible monuments, and more enduring even than marble and bronze.



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